

REMARKS

Claims 18-36 are pending. Claims 18-36 are rejected by the Examiner under 35 U.S.C. §103. Applicants submit the following remarks and respectfully request reconsideration of the application.

Objection to Specification

The Specification stands objected to because the arrangement of the disclosed application does not conform with 37 C.F.R. 1.77(b). The Examiner points out that the section headings are underlined. Applicants hereby replace the specification with the attached substitute specification in Appendix A. Applicants have removed the underlines from the section headings to comply with 37 C.F.R. 1.77(b). A marked-up version showing the changes in the substitute specification is in Appendix B. No new matter has been entered in the substitute specification.

Rejection Under 35 U.S.C. §103(a)

In paragraph 6, claims 18-36 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,081,812 (Boggs) in view of U.S. Patent 6,529,478 (Schwartz).

Claim 18 recites the steps of setting metadata associated with the data to indicate initiation of a transfer of the data and setting the metadata to indicate the successful transfer in response to the determination that the transfer of the data was successful.

Neither Boggs, Schwartz, nor the combination of Boggs and Schwartz teach or suggest all the claim limitations of claim 18. Boggs discloses a method and apparatus for identifying at-risk data in systems with redundant components. The Office Action recites col. 19, lines 61-65 in Boggs to teach the limitation in claim 18 of setting the metadata to indicate the successful transfer in response to the determination that the transfer of the data was successful. In col. 19, lines 61-65 in Boggs, the Volume Set Ids (VSI) metadata includes a VSI mutation number that is incremented whenever there is a major state change such as when a VSI is successfully exported to a network. However, claim 18 recites that the metadata is set to indicate the transfer of data was successful and not that the exportation of metadata was successful as taught in Boggs. As recited in claim 18, the metadata is associated with the data being transferred.

Additionally, Boggs in col. 17, lines 1-5 teaches that the Input/Output node (ION) exports the VSI through a broadcast message to all nodes on the fabric. However, claim 18 recites transferring the data from a data system to a file system. Applicants fail to see how Boggs specifically teaches or suggests transferring data from a data system to a file system. The Specification recites the “data system” as software programs designed to process and store digital data in paragraph six. The Specification also recites “file systems” as being specifically designed for file management and includes storage structures appropriate for standard storage devices.

In paragraph 6, the Office Action recites that Boggs does not teach that the metadata does not indicate initiation of a transfer of the data. The Office Action recites Schwartz to teach this limitation in the Abstract and col. 7, line 66 through col. 8, line 47. Schwartz discloses a switching node for transferring packets that includes a packet meta-

data processor that determines whether to add or drop packets between input ports and output ports. Applicants fail to see how Schwartz teaches or suggests that the metadata indicates an initiation of a transfer of data. The cited portion of Schwartz of col. 7, line 66 through col. 8, line 47 teaches how the packet meta-data processor will provide the meta-data packet for the packet to the output port module, which, in turn, will initiate forwarding of the packet to it. However, a closer reading of Schwartz in col. 6, lines 43-47 reveals that the metadata includes a point to the packet in the input port module, the route information, and the length of the packet. None of this information suggests an initiation of a transfer of data as recited in claim 18. Therefore, absent a teaching or suggestion of metadata that indicates initiation of a transfer of the data, Boggs and Schwartz does not teach or suggest the step of setting metadata associated with the data to indicate initiation of a transfer of the data as recited in claim 18.

The Office Action also states that Boggs would have been modified by the teaching of Schwartz because “including metadata to indicate initiation of a transfer of the data, would enable the packet meta-data to effectively provide output queuing of information used in making the pass/drop decision” as taught by Schwartz. Applicants respectfully disagree with this motivation to modify. Boggs discloses identifying at-risk data in a data storage system. Schwartz discloses a switching node with a packet meta-data processor that determines whether to pass or drop a packet. Applicants fail to see a suggestion to combine or modify these references because data storage systems and switching nodes are unrelated. The use of metadata in each of the references solves different problems. In Boggs, meta-data is used to ensure that the VSI are unique throughout the network through a broadcast message. In Schwartz, meta-data is used to

determine whether to pass or drop a packet in a switching node. Furthermore, as discussed above, the metadata does not indicate the initiation of a transfer of the data. Thus, one skilled in the art would not have combined or modified Boggs and Schwartz. Therefore, claim 18 is allowable for at least the above state reasons.

Claims 19-28 are dependent directly or indirectly from claim 18 are allowable for at least the same reasons as claim 18.

Claim 29 is allowable for at least the same reasons as claim 18. Claims 30-36 are dependent directly or indirectly from claim 29 are allowable for at least the same reasons as claim 29.


Conclusion

In view of the above remarks this application is in condition for allowance, and the Examiner is respectfully requested to allow this application. The Examiner is invited to call Applicants' representative at the number below if he has any questions or if there are remaining outstanding issues.

Respectfully submitted,

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